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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/416,278

Applicant(s)

TEMPLETON, BRADLEY S.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 28-49 and 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 28-49, and 53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/30/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The following is a Final office action in response to communications received 01/30/03. Claims 1 and 42 have been amended. Claims 1-16, 28-49, and 53 are pending in this application.

Response to Amendment

2. Examiner withdraws the objection to the abstract of the specification set forth in the previous office action.
3. Applicant's amendment of the specification is sufficient to overcome the specification objections set forth in the previous office action.
4. Applicant's amendments to the figures and the specification are sufficient to overcome the drawing objections set forth in the previous office action.
5. Applicant's amendment to claim 42 is sufficient to overcome the claim objections set forth in the previous office action.
6. Examiner has considered publication 0 557 777 A1, as indicated by initialed form 1449.

Response to Arguments

7. Applicant's arguments with regard to the § 102 rejections based on Vardi et al. (U.S. 6,389,127) have been fully considered but they are not persuasive. In the remarks, the Applicant argues that (1) Vardi et al.'s status request from a seeker to a sought system does not correspond to sending to a target a request to conduct a real-time meeting, (2) Vardi et al. discloses sending a request for status, not for a meeting/call, and (3) Vardi et al. does not teach or suggest the recited term "queue" and that the term does not appear in Vardi et al.

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In response to the Applicant's argument that (1) Vardi et al.'s status request from a seeker to a sought system does not correspond to sending to a target a request to conduct a real-time meeting, Examiner respectfully disagrees. Vardi et al. teaches that when a requester requires a real time meeting with the target user, the requester sends to the system of the target a request to conduct a meeting. This request is received by the system and the meeting is arranged when the availability of the target user and the requester allows it to occur. These teachings are shown in at least column 5, line 67, column 6, lines 1-5, 6-13, and 26-32, and column 7, lines 50-59. Therefore, since the limitation states "sending to the target a request to conduct a real time meeting", Examiner maintains that Vardi et al. satisfies the broadest reasonable interpretation of this limitation.

In response to Applicant's arguments that (2) Vardi et al. discloses sending a request for status, not for a meeting/call, Examiner respectfully disagrees and further asserts that the request that is sent is for the purpose of connecting parties for conferencing, or "real time meeting", purposes, as specifically shown in column 7, lines 49-65. Therefore, Vardi et al. does disclose sending a request for a meeting/call. Examiner also notes that Applicant has stated that the specific portions of Vardi et al. cited below by the Examiner do not disclose the limitation. Examiner points out that the claims of the Applicant are rejected relying on the teachings of Vardi et al. as a whole and that the portions cited by the Examiner are merely guides for the Attorney in understanding the rejections. Therefore, Examiner respectfully requests that the Attorney looks at the limitations in light of the entirety of the teachings of Vardi et al. in this and other instances.

In response to Applicant's arguments that (3) Vardi et al. does not teach or suggest the recited term "queue" and that the term does not appear in Vardi et al, Examiner respectfully disagrees. The term "queue" in its broadest reasonable interpretation means a line of waiting items or people. Therefore, the limitation "queuing the request by the requester system" requires that the request is placed in waiting via the requester system. Vardi et al. does teach that the requester sends a request for a meeting and the request is placed in waiting via the requester system while it waits for both the requester and the target user to be available for the real time meeting, as shown in at least column 5, lines 41-43 and 62-63, column 6, lines 6-12, and column 7, lines 39-44 and 57-64. The actual appearance of the term "queue" in the prior art is irrelevant to whether or not Vardi et al. teaches the functionality of generically queuing the request. If something more specific is meant by the Applicant, it should be specifically recited in the limitations of the claims.

Examiner points out that in many instances Applicant summarizes portions of the teachings of Vardi et al. and states that these portions are not specifically recited in the limitations of the claims. For example, in one instance Applicant states that Vardi et al. teaches a "presence server" and asserts that the Applicant's invention does not. Examiner has read the limitations of the Applicant's claims in light of the entirety of the teachings of Vardi et al. Therefore, it is only important that the limitations of the Applicant's claims are anticipated by the teachings of the art and, therefore, the extraneous teachings are irrelevant to the patentability of the claims. In short, the fact that an item (such as a "presence server") is found in the art has no

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relevance to the fact that the art **also** anticipates the limitations of claims in this and other instances.

8. Therefore, based on the reasoning above, the rejections are maintained and repeated below.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-44, 49, and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Vardi et al. (U.S. 6,389,127).

10. As per claim 1, Vardi et al. discloses a computer-implemented method for the intermediation of real time meetings, comprising:

Receiving an indication by a requester system that a requester wants to request a real time meeting with a target (See column 1, lines 53-56 and column 5, lines 22-31, which disclose a user at a request server wanting to request a real time meeting with a target);

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Sending to the target a request to conduct a real time meeting (See column 5, line 67, column 6, lines 1-5, 6-13, and 26-32, and column 7, lines 50-59, which discloses the request server sending to the target a request);

After sending the request, sending by the requester a status of the requester (See at least column 2, lines 65-67, column 3, lines 1-9, 15-28, and 40-45, column 7, lines 25-30 and 49-67, and column 8, lines 1-6, wherein after the requester send the request, the status of the requester is also sent to the system);

Queuing the request by the requester system (See column 5, lines 41-43 and 62-63, column 6, lines 6-12, and column 7, 39-44 and 57-64, wherein the request of the requestor is held and considered pending until the requested parties are available for the requested meeting to occur. The request of the requester does not reach the target until he is available to view the request); and

Connecting the requester and the target when the requester and the target are mutually available (See column 7, lines 39-48 and 53-67, which discuss the connecting of calls).

Vardi et al. discloses a system that allows a requester using a requestor system to send a request for a conference to the system of a target and determine the availability of the target. A "middle man" has availability information concerning both the requester and the target. If the target is not currently available, the request of the requester waits for the target to become available and then the request is dealt with. When both the requester and the target are available, the parties are connected and the conference occurs.

11. As per claim 2, Vardi et al. discloses a method that further comprises dequeuing the request when the real time meeting successfully completes (See column 6, lines 9-12 and column

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7, lines 39-43, wherein when the request for conference completes, the parties' status once again reflects availability and the previously pending request is then nonexistent).

12. As per claim 3, Vardi et al. discloses a method wherein a system of the target is polled to determine the target's availability (See column 5, lines 22-25 and 67 and column 6, lines 1, 9-12, and 26-32, wherein the target is polled via a status acquirer to determine the availability of the target).

13. As per claim 4, Vardi et al. discloses a method wherein the system of the target sends the target's availability status to the requester (See column 6, lines 9-12, 26-32, and 54-59, and column 7, lines 39-43 and 49-67, wherein the target's availability is sent to the requester via the request server and the status acquirer).

14. As per claim 5, Vardi et al. discloses a method wherein a system of the requester is polled to determine the requester's availability (See column 5, 66-67, column 6, lines 1, 6-10, and 54-59, column 7, lines 49-67, and column 8, lines 1-6 wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner. See specifically column 8, lines 3-6).

15. As per claim 6, Vardi et al. discloses a method wherein a system of the requester sends the requester's availability status to the target (See column 5, 66-67, column 6, lines 1, 6-10, and 54-59, column 7, lines 39-43 and 49-67, and column 8, lines 1-6, wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner, the status of the requester being delivered to the target. See specifically column 8, lines 3-6).

16. As per claim 7, Vardi et al. discloses a method wherein mutual availability is determined by checking the availability of the requester and the target (See column 7, lines 39-43, 49-64,

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and 65-67, and column 8, 1-6, which discloses the callback function, wherein the requester requests a conference with the target and upon his/her availability, the target subsequently requests from the requester a real time meeting. See specifically column 8, lines 3-6. The process repeats until both parties are available for the real time meeting at which point the meeting initiates).

17. As per claim 8, Vardi et al. discloses a method wherein the request is sent to a plurality of targets and mutual availability is determined when the requester and a quorum of the targets are available (See column 7, lines 49-64, wherein the conference call is initiated when the requester and the people currently available on the request for a conference call are ready).

18. As per claim 9, Vardi et al. discloses a computer-implemented method for the intermediation of real time meetings, comprising:

Receiving, by a target system from a requester system, an indication that a requester wants to request a real time meeting with a target (See column 1, lines 53-56, column 5, lines 22-31, lines 1-9, column 7, lines 39-48, and column 8, lines 1-6, which disclose the requester system indicating through a request sent to the target system that a user of the requester system desires a real time meeting. See also column 5, line 67, and column 6, lines 1-9, which explains the request server associated with the request system sending a request to the status acquirer associated with the target system);

Queuing the request by the target system (See column 5, lines 41-43 and 62-63, column 6, lines 6-12, and column 7, 39-44 and 57-64, wherein the request of the requestor is held and considered pending until the requested parties are available for the requested meeting to occur.

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The request of the requester does not reach the target until he is available to view the request);
and

Connecting the requester and the target when the requester and the target are mutually available (See column 7, lines 39-48, 51-55, and 59-65, and column 8, lines 1-6, wherein initiation of a real time meeting/conference between available parties is disclosed).

19. As per claim 10, Vardi et al. discloses a method further comprising dequeuing the request when the real time meeting successfully completes (See column 6, lines 9-12 and column 7, lines 39-43, wherein when the request for conference completes, the parties' status once again reflects availability and the previously pending request is then nonexistent).

20. As per claim 11, Vardi et al. further discloses a method wherein a system of the target is polled to determine the target's availability (See column 5, lines 22-25 and 67 and column 6, lines 1, 9-12, and 26-32, wherein the target is polled via a status acquirer to determine the availability of the target).

21. As per claim 12, Vardi et al. further discloses a method wherein the system of the target sends the target's availability status to the requester (See column 6, lines 9-12, 26-32, and 54-59, and column 7, lines 39-43 and 49-67, wherein the target's availability is sent to the requester via the request server and the status acquirer).

22. As per claim 13, Vardi et al. further discloses a method wherein the system of the requester is polled to determine the requester's availability (See column 5, lines 66-67, column 6, lines 1, 6-10, and 54-59, column 7, lines 49-67, and column 8, lines 1-6 wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner. See specifically column 8, lines 3-6).

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23. As per claim 14, Vardi et al. further discloses a method wherein the system of the requester send the requester's availability status to the target (See column 5, 66-67, column 6, lines 1, 6-10, and 54-59, column 7, lines 39-43 and 49-67, and column 8, lines 1-6, wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner, the status of the requester being delivered to the target. See specifically column 8, lines 3-6).

24. As per claim 15, Vardi et al. discloses a method wherein mutual availability is determined by checking the availability of the requester and the target (See column 7, lines 39-43, 49-64, and 65-67, and column 8, 1-6, which discloses the callback function, wherein the requester requests a conference with the target and upon his/her availability, the target subsequently requests from the requester a real time meeting. See specifically column 8, lines 3-6. The process repeats until both parties are available for the real time meeting at which point the meeting initiates).

25. As per claim 16, Vardi et al. further teaches a method wherein a request is sent to a plurality of targets and mutual availability is determined when the requester and a quorum of the targets are available (See column 7, lines 49-64, wherein the conference call is initiated when the requester and the people currently available on the request for a conference call are ready).

26. As per claim 28, Vardi et al. teaches a computer-implemented method for the intermediation of real time meetings, comprising:

receiving an indication that a requestor party wants to request a real time meeting with one or more target parties (See column 5, lines 22-38 and 62-63, and column 6, lines 6-8, which

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discloses the systems of the target parties receiving indications that the requestor party wants to arrange a real time meeting);

receiving information indicating the availability of the requester party and one or more target parties to participate in the real time meeting (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, 49-52, and 57-65, wherein information is requested and received concerning the availability of a requester and the availability of target parties. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which discuss different types of availability);

determining that the requester party and one or more target parties are mutually available to participate in the real time meeting, in response to the received information (See column 7, lines 39-48, 49-52, and 57-65, wherein it is determined whether the parties are mutually available. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which disclose ways of measuring availability); and

responsive to the determination that the requester party and one or more target parties are mutually available to participate in the real time meeting, initiating the real time meeting (See column 7, lines 39-48, 49-52, and 57-65, wherein the real time meeting is initiated when all parties are available).

27. As per claim 29, Vardi et al. discloses a computer-implemented method wherein the initiating further comprises informing the requester party and one or more target parties that they should initiate communication (See column 7, lines 39-47 and 65-67, and column 8, lines 1-6, wherein a request for conference/real time meeting is accompanied with a request to initiate communication with the requester. The requester has the ability to either initiate the meeting when the requester receives status information about the target or the request can be delivered

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with information about the status of the requester (available, not available for meeting) and request the target to initiate the contact).

28. As per claim 30, Vardi et al. teaches a computer-implemented method wherein the initiating further comprises requesting the requestor party and one or more target parties to open a connection (See column 7, lines 39-47 and 49-67, and column 8, lines 1-6, wherein the request informs parties to open connections in order to participate in the conference/real time meeting).

29. As per claim 31, Vardi et al. teaches a computer-implemented method wherein the availability of the requestor party and one or more target parties is determined by checking at least one of: start or end of a call, other use of a phone, recent activity at the computer input devices, conversation near a microphone, lights turned on/off, weight in chair or on floor, motion sensor, opening/closing of door, spoken commands, computer keyboard/mouse based commands, touchtone commands, and scheduled periods of availability (See column 6, lines 9-12, 26-32, and column 7, lines 26-31, wherein different ways to determine a party's availability are disclosed).

30. As per claim 32, Vardi et al. discloses a system for intermediation of real time meetings, comprising:

a requester system for receiving a request from a requester party to initiate a real time meeting with one or more target parties associated with target systems (See column 1, lines 53-56, and column 5, lines 22-31, which disclose a user sending a request to a request server to initiate a real time meeting. See also column 7, lines 49-59, which discloses one or more target parties);

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a first server system associated with the requester system, the first server system for determining availability of the requester party (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, wherein a status acquirer resides on the system of the requester and determines the availability of the requester);

a second server system associated with a target system, the second server system for determining availability of one or more target systems (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, wherein a status acquirer resides on the system of the target and determines the availability of the target); and

a deciding agent in communication with the first server system, the second server system, the requester system, and the target system, the deciding agent for recording the request for the real time meeting, for receiving an indication that each the requester party and one or more target parties are available for the real time meeting, for determining whether the requester party and one or more target parties are mutually available for the real time meeting, and for initiating the real time meeting when all parties are mutually available (See column 1, lines 53-58, column 5, lines 62-66, column 7, lines 49-52 and 57-67, and column 8, lines 1-6, wherein a "middleman" decides when the two parties are mutually available, based on their received status information, and initiates a real time meeting/conference between the parties).

31. As per claim 33, Vardi et al. discloses a system wherein each the first server system and the second server system is further adapted to record the request for the real time meeting (See column 7, lines 39-47, wherein the request information is stored on the system of the requester/target user before action takes place).

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32. As per claim 35, Vardi et al. teaches a system wherein the deciding agent is further adapted to communicate to the first server system to cease sending an indication that the requester party is available for the real time meeting (See column 6, lines 9-17, in which the physical status of the user is communicated to the status acquirer, and the status therefore reflects when the user ceases to be available. See also column 6, lines 26-32, and column 7, lines 26-31, which disclose other reason the user may be unavailable. Finally, see column 7, lines 49-65, wherein a mediator decides to conference the calls when all parties are available to meet. This agent would affect the status ascertained during a status check by another requester, and the requestor would consequently be unavailable).

33. As per claim 36, Vardi et al. discloses a system wherein the deciding agent is further adapted to communicate to the second server system to cease sending an indication that the target party is available for a real time meeting (See column 6, lines 9-17, in which the physical status of the user is communicated to the status acquirer, and the status therefore reflects when the user ceases to be available. See also column 6, lines 26-32, and column 7, lines 26-31, which disclose other reason the user may be unavailable. Finally, see column 7, lines 49-65, wherein a mediator decides to conference the calls when all parties are available to meet. This agent would affect the status ascertained during a status check by another requester, and the target would consequently be unavailable).

34. As per claim 37, Vardi et al. teaches a system wherein the deciding agent is further adapted to poll the first server system to determine the availability of the requester party (See column 7, lines 49-65, wherein the status acquirer of the first server system is polled to determine the user's availability).

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35. As per claim 38, Vardi et al. teaches wherein the deciding agent is further adapted to poll the second server system to determine the availability of the target party (See column 7, lines 49-65, wherein the status acquirer of the first server system is polled to determine the user's availability).

36. As per claim 39, Vardi et al. discloses a system wherein the deciding agent is located at the target system (See column 7, lines 39-48, wherein the deciding agent that arranges the meeting and determines the availability of the parties for said meeting is located in the system of the target).

37. As per claim 40, Vardi et al. teaches a system wherein the requester system is further adapted to record the request to conduct the real time meeting (See column 7, lines 39-47, wherein the request information is stored on the system of the requester user before any action or initiation takes place).

38. As per claim 41, Vardi et al. teaches a system wherein the target system is further adapted to reject a request to add one or more target parties to the real time meeting and to communicate the rejection to the deciding agent (See column 6, lines 33-38 and 47-59, wherein the inability for a requester to poll a target is disclosed).

39. As per claim 42, Vardi et al. discloses a system wherein the target system is further adapted to receive an indication that the requester party and one or more target parties are available by monitoring the activity of the requester party and one or more target parties (See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, wherein different ways to determine the availability of the requestor and/or target parties is disclosed).

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40. As per claim 43, Vardi et al. discloses a system wherein the real time meeting is conducted using the telephone (See column 1, lines 53-58).

41. As per claim 44, Vardi et al. teaches a system wherein the real time meeting is conducted using Internet telephony (See column 7, lines 31-34).

42. As per claim 49, Vardi et al. teaches a system further comprising a plurality of requester parties and a plurality of target parties, and wherein the deciding agent initiates the real time meeting when a quorum of the requestor parties and target parties is available (See column 7, lines 49-64, wherein the conference call is initiated when the requesters and the targets currently available for the requested real time meeting/conference call are ready. Finally see column 1, lines 55-56, which discloses multiple requesting parties).

43. As per claim 53, Vardi et al. discloses a computer program product stored on a computer readable medium for intermediation of real time meetings, the computer program product comprising:

program code for receiving an indication that a requester party wants to request a real time meeting with one or more target parties (See column 5, lines 22-38 and 62-63, and column 6, lines 6-8, which discloses the systems of the target parties receiving indications that the requestor party wants to arrange a real time meeting);

program code for receiving information indicating the availability of the requester party and one or more target parties to participate in the real time meeting (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, 49-52, and 57-65, wherein information is requested and received concerning the availability of a requester and the availability of target

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parties. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which discuss different types of availability);

program code for determining that the requester party and one or more target parties are mutually available to participate in the real time meeting, in response to the received information (See column 7, lines 39-48, 49-52, and 57-65, wherein it is determined whether the parties are mutually available. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which disclose ways of measuring availability); and

program code for initiating the real time meeting, responsive to the determination that the requester party and one or more target parties are mutually available to participate in the real time meeting (See column 7, lines 39-48, 49-52, and 57-65, wherein the real time meeting is initiated when all parties are available).

Claim Rejections - 35 USC § 103

44. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

45. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi et al. (U.S. 6,389,127).

46. As per claim 34, Vardi et al. discloses a system wherein each the first server system and the second server system is adapted to receive and record a request for the real time meeting (See column 7, lines 39-48, wherein the request is received and recorded in the software of the target

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computer). However, Vardi et al. does not expressly disclose the first and second server system being adapted to delete the request for the real time meeting.

It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the first and second server systems to be able to delete the request for the real time meeting because deleting the original request for real time meeting upon the meeting's rescheduling or upon the conclusion of the event of the meeting is old and well known. One would be motivated to delete a request upon its acceptance because its removal would allow the system to maintain precise and easily readable records about the availability of a target and also minimize the use of memory in the process. By deleting requests directed at a specific target, a requester system polling the availability of said target would be able to easily ascertain its status without having to follow a trail of records.

47. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi et al. (U.S. 6,389,127) in view of Microsoft NetMeeting ("Microsoft NetMeeting 2.0: Overview and Frequently Asked Questions").

48. As per claims 45-48, Vardi et al. discloses a system wherein the real time meeting is specified as a telephone conferencing, an Internet telephone, or communication devices using CATV as part of the network infrastructure (See column 7, lines 31-38, wherein different types of real time meetings are disclosed). However, Vardi et al. does not expressly disclose a system wherein the real time meeting is specified as a text chat, an online collaboration tool, or a shared application.

Microsoft NetMeeting discloses a wherein the real time meeting is specified as a text chat, an online collaboration tool, or a shared application:

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i. As per claim 45, Microsoft NetMeeting discloses a system wherein the real time meeting is specified as a face-to-face meeting (See pages 1 and 4, wherein Microsoft NetMeeting discusses NetMeeting's ability to hold face-to-face real time meetings/conferences).

ii. As per claim 46, Microsoft NetMeeting discloses a system wherein the real time meeting is specified as a text chat (See page 5, wherein Microsoft NetMeeting discusses NetMeeting's ability to conduct real time chat sessions).

iii. As per claim 47, Microsoft NetMeeting teaches a system wherein the real time meeting is an online collaboration tool (See page 5, wherein Microsoft NetMeeting discusses NetMeeting's capability of white boarding and shared clipboards, which allow the parties in the real time meeting to collaborate).

iv. As per claim 48, Microsoft NetMeeting discloses a system wherein the real time meeting is a shared application (See page 4, which discloses NetMeeting's application sharing capabilities).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a text chat, online collaboration tool, and/or shared applications as additional tools for conducting real time meetings because the incorporation of these old and well known capabilities would have increased the usefulness of the product to potential buyers, thus making the notification system more marketable.

Conclusion

49. No claims allowed.

50. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

bvd
April 9, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3001